

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BEIRNE WEALTH CONSULTING SERVICES,  
LLC,

Plaintiff,

-against-

CHRISTOPHER ENGLEBERT, JAMIE  
ENGLEBERT, ENGLEBERT FINANCIAL  
ADVISORS, LLC,

Defendants.

Case No. 1:19-cv-07936-ER

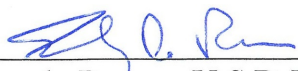
**CIVIL CASE DISCOVERY PLAN  
AND SCHEDULING ORDER**

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. The parties **do not consent** to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case **is** to be tried to a jury.
3. Any motion to join of additional parties must be filed and served by **December 11, 2019**.
4. Any motion to amended pleadings must be filed and served by **December 11, 2019**.
5. Interrogatories shall be served no later than **December 11, 2019**, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 **shall** apply to this case.
6. First request for production of documents, if any, shall be served no later than **December 11, 2019** and responses thereto shall be served within thirty (30) days thereafter.
7. Non-expert depositions shall be completed by **February 28, 2020**.
  - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.
  - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than **March 6, 2020**.
9. Requests to Admit, if any, shall be served no later than **March 13, 2020**.
10. Expert reports shall be served no later than **April 13, 2020**.
11. Rebuttal expert reports shall be served no later than **May 1, 2020**.
12. Expert depositions shall be completed by **May 15, 2020**.
13. Additional provisions agreed upon by counsel are included here. **Specifically, the parties agree that the filing and pendency of any motion to dismiss shall not suspend the obligation to respond to written discovery requests or proceed with depositions in accordance with this Scheduling Order.**
14. **ALL DISCOVERY SHALL BE COMPLETED BY May 15, 2020**.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. Kevin Nathaniel Fox.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for May 15, 2020, at 11:00 a.m.. (The Court will set this date at the initial conference.)

SO ORDERED.

  
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Edgardo Ramos, U.S.D.J  
Dated: Dec. 4, 2019  
New York, New York